

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FRED & HARRIETT TAYLOR HEALTH CENTER
Employer

and

Case 03-RC-115208

1199 SEIU UNITED HEALTHCARE WORKERS EAST
Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision and Direction of Election is granted as it raises substantial issues warranting review. We invite the parties to address, in their briefs on review, the following specific questions:

- Which entity or entities are the statutory employer(s) of the employees working in the Fred & Harriett Taylor Health Center and in the Ira Davenport Memorial Hospital, respectively, and what is the legal relationship of those employing entities to each other?
- Are the Fred & Harriett Taylor Health Center and the Ira Davenport Memorial Hospital properly treated as, combined, a single facility?
- If so, should the Board apply the formulas provided in the Board's Health Care Rule, 29 CFR 103.30(f)(2), 284 NLRB 1580 (1989) to determine whether the combined facility constitutes an acute care hospital under the Rule, and how should those formulas be applied?
- If the combined facility does otherwise constitute an acute care hospital under the Health Care Rule, are there nevertheless "extraordinary circumstances" exempting the combined facility from the conforming unit requirements of the Rule?

- Assuming that the combined facility is not subject to the conforming unit requirements of the Rule, what is the proper test for determining the appropriateness of the unit, including whether employees working at the Ira Davenport Memorial Hospital should be included within the appropriate unit, and what is the result of that test?

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., April 4, 2014